

**CAPITAL PROJECTS ADVISORY REVIEW BOARD**  
**1115 Washington Street Southeast**  
**Office Building 2**  
**Conference Room SL-03**  
**Olympia, Washington**  
**February 12, 2009**  
**9:00 AM**

**Final Minutes**

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**MEMBERS PRESENT**

Daniel Absher	General Contractors
Vince Campanella	General Contractors
Damon Smith	Engineers
Norman Strong	Architects
Rocky Sharp	Specialty Contractors
Ed Kommers	Specialty Contractors
David D. Johnson	Construction Trades Labor
Mark Riker	Construction Trades Labor
John Ahlers	Private Industry
Olivia Yang	Higher Education
John Lynch	GA
Larry Byers	Insurance/Surety Industry
Rodney Eng	Cities
Robert Maruska	Ports
Dan Vaught	School Districts

**REPRESENTING**

**MEMBERS ABSENT**

Rep. Kathy Haigh (Vice Chair)	House (D)
Rep. Dan Kristiansen	House (R)
Senator Rodney Tom	Senate (D)
Senator Dale Brandland	Senate (R)
Cynthia Cooper	OMWBE
Christopher Hirst	Private Industry
Gary Rowe	Counties
Vacant	Public Hospital Districts

**STAFF & GUESTS**

Nancy Deakins, GA  
Searetha Kelly, GA  
Cheri Lindgren, Puget Sound Meeting Services  
Jeanne Rynne, OSPI  
Van Collins, AGC  
Mike Purdy, UW  
Eric Smith, Chair, Project Review Committee  
Rodger Benson, Mortenson Construction

Bob Abbott, Laborers District Council  
Paul Galeno, King County  
Rocky Gerber, Centennial Contractors  
John Salmon, Pierce County  
Arnie Sheppard, Pierce County  
Connie Pham, Urban League  
Thuy Hong, City of Seattle

**Welcome & Introductions**

Chair Robert Maruska called the Capital Projects Advisory Review Board (CPARB) meeting to order at 9:01 a.m. Everyone present provided self-introductions. A meeting quorum was attained.

**Approve Agenda**

Discussion of a pending false claims bill and information sharing of the 2009 legislative session were added to the agenda.

**Vince Campanella moved, seconded by Rocky Sharp, to approve the agenda. Motion carried.**

**Approve January 8, 2009 Meeting Minutes**

Ed Kommers moved, seconded by Vince Campanella, to approve the January 8, 2009 minutes as presented. Motion carried.

**Public Comments**

There were no public comments.

**Review Status of Legislation**

Nancy Deakins reviewed pending legislation and addressed member comments:

- **House Bill (HB) 1195 and Companion Senate Bill (SB) 5399 – Regarding payment of undisputed claims.** Several members attended hearings to support the bill. King County representatives expressed concerns at the State Government and Tribal Affairs Committee meeting rather than discussing concerns with the CPARB. Chair Maruska was able to comment on the opposing testimony.
- **HB 1196 – Increasing the dollar limit for small works roster projects.** Chair Maruska reported she spoke with Sharon Case at General Administration (GA) on following up with Senator Rockefeller and encouraging the Senate to drop a companion bill. Senator Rockefeller has sponsored a number of bills although he's no longer a member of the CPARB.
- **HB 1197 and Companion SB 5397 – Alternative public works contracting procedures.** The bill was well received. Educational Service District (ESD) 112 representatives testified in support of job order contracting (JOC). The committee chair indicated the amendment will not be considered at this time. It's appropriate for the CPARB to discuss the subject.
- **HB 1198 (see HB 1847) and Companion SB 5844 – Changing public works bid limits.** Other entities, such as utility, special purpose, and fire districts were not included in CPARB's bill because they didn't respond timely. Those entities requested an increase in limits as well. HBs 1198 and 1230 were merged with HB 1847. However, HB 1847 does not contain language that the CPARB requested. Chair Maruska noted the CPARB did not vet all of the changes ultimately contained in HB 1847. GA will continue to track HB 1847 although it's no longer CPARB sponsored legislation.
- **HB 1199 and Companion SB 5396 – Retainage of funds on public works projects.**
- **HB 1200 and Companion SB 5398 – Expanding the ability to negotiate an adjustment to a bid price on public works to municipalities.**
- **HB 1641 – Regarding the University of Washington's (UW) public works contracting procedures.**

Ms. Yang reported HB 1641 was an earlier version and was updated. Companion HB 1916 includes both the University of Washington (UW) and Washington State University (WSU). She described the proposal, which includes allowing the Board of Regents to contract using a small works roster process for projects with an estimated cost up to \$1 million and a design build (DB), design bid build (DBB), or general contractor construction manager (GC/CM) process for projects in excess of \$1 million. Procedures may include setting the dollar amount for self-performance of work by the general

contractor, setting the schedule for establishing the maximum allowable construction cost (MACC), and establishing the process for selection of subcontractors. The proposal also increases the small works roster from \$200,000 to \$1 million, adopt Washington State Department of Transportation (WSDOT) language for pre-qualifications, and have the ability to limit the number of bidders. She explained why the universities are requesting the changes. UW and WSU have non-state funded capital sources. Approximately one-third of UW's projects are not state funded. Private funding comes with expectations, such as meeting certain timelines for enterprise units, such as medical center, parking garages, and housing. Some non-state funds are from donors. Donors have concerns that typical construction processes are slow and cost more money. UW competes for federal grants. However, the university doesn't always receive the amount requested and competes with other entities, some of which are private. Ms. Yang reminded the Board of the track records for both universities. UW is a successful good owner and is responsible and fair. The university has at least four new firms not necessarily new to GC/CM but new to the campus. The UW believes in diversity, competition, and equipping people properly to compete. The request allows the organization to be competitive with peers and provides opportunities to help grow businesses and increase their competitiveness.

Mr. Strong said the bill focuses on the general contractor and construction of the project. He asked how a qualification-based selection works for the design team in that type of setting. Ms. Yang indicated that design selection was not discussed. The bill is targeted at construction procurement. Mr. Strong asked whether private funds are involved, will UW go through a process of selecting a design team based on qualifications. Ms. Yang affirmed that is the intent.

Mr. Kommers commented that the bill may give the universities the ability to procure design. Ms. Yang advised that's not the intent. The university can revise it to reflect the organization's objective. She referred to a technical amendment to clarify that the proposal is for non-state funded projects.

Mr. Lynch asked whether the university is not able to utilize state money to fund certification of participation (COP) funds. Ms. Yang affirmed that is correct.

Mr. Absher asked whether the funds generated by UW are viewed as private money. Ms. Yang said it's non-state money. Mr. Absher expressed concerns. If a public entity generates revenue it's public money and not private. Ms. Yang acknowledged the concern. Mr. Absher asked whether the request is for the CPARB to take an action on the legislation. Ms. Yang said that's not the intent.

Chair Maruska reported he received multiple requests from members to discuss the legislation and share information.

Mr. Kommers asked why the organizations didn't present the proposal to the Board for review and consideration. Ms. Yang explained that the concept was at one time specific only to the UW. However, she said she understood that respective constituencies would be interested in the request. The bill was not presented to the CPARB because it is not a statewide issue, but rather an institution to industry issue. Outreach was handled in that manner.

Mr. Ahlers asked why UW wants to limit participation in the process. Ms. Yang explained that the agency is proposing not to publicly solicit. She explained how she envisions the process will work. Contractors often prefer not being one of ten but one in a pool of four to five. Mr. Ahlers said it's a concern within the contracting community that there could be subjective judgment of who those four or five contractors are. Ms. Yang offered to discuss the concerns with Mr. Ahlers after the meeting.

Mr. Ahlers asked whether there's a process available for prospective bidders and/or interested contractors to request reconsideration if excluded from consideration in the pre-qualification selection or for a specific project. Ms. Yang said UW has not documented the procedures because the owner doesn't currently have the authority. The procedures will mirror current procedures. The university uses responsibility criteria for subjective decisions in pre-qualifying subcontractors. An informal mechanism is in place for subcontractors to return and talk to the owner. UW officials explain what transpired and shares information how the subcontractor can improve. She described the avenue of appeal leading to the Board of Regents.

Mr. Lynch shared that the Board has created processes that are good public policy. If these procedures amount to a better, cheaper, and faster way to complete projects, the CPARB would have already developed the process. UW bypassed the CPARB. Previously, the Board responded quickly to the Legislature on bills emerging during session. GA would be interested in the procedures proposed by the universities.

Mr. Strong referred to a situation where his firm was one of 25 responding to a pre-qualification request resulting in four companies interviewed.

Mr. Absher said the CPARB has a duty to respond to the proposed legislation as an alternate procurement method.

Ms. Yang questioned the CPARB's action to respond to projects that are not state funded. Mr. Absher advised it's because UW is a public body procuring work regardless of the funding sources. He said he would like to have further discussions on the issue.

Mr. Smith said it's important to track HB 1641 and companion HB 1916 as well.

- **HB 1690 – Authorizing alternative public works contracting procedures (UW Husky Stadium Method).** Ms. Yang reported she will attend the hearing. The bill clarifies the intent of Revised Code of Washington (RCW) 28B.20, which is UW's RCW, and that all alternate procurement methods must be reviewed by the CPARB.

Mr. Eng added that the bill goes further by stating the Board of Regents must comply with the requirements of Chapter 39.10 RCW when using any alternative contracting procedure authorized pursuant to that chapter. The Board of Regents must submit proposed contracting procedures not authorized in Chapter 39.10 to the CPARB for evaluation and approval. The Board of Regents is also required to submit a report to the appropriate committees of the Legislature on an annual basis.

Discussion ensued on specific elements in the proposed legislation. It was noted that paragraph 3 in section 2 states, "Final adoption and use of any alternative public works contracting procedure is contingent on approval by the CPARB." Mr. Kommers commented that the CPARB can make recommendations to the Legislature, but typically is not in a position to make a decision without the Legislature's approval.

Ms. Deakins referred to paragraphs 3 and 4 within section 4 amending the duties of the CPARB.

Mr. Johnson agreed the Board should review any alternative public works (APW) contracting procedure not authorized in Chapter 39.10 including stakeholder involvement. However, the CPARB, which has the ability to approve final adoption and use of any APW contracting procedure without equal representation by stakeholders on the Board, is not appropriate. It is the Legislature's responsibility to approve APW contracting procedures.

- **Bill number 2151 – Eliminating boards and commissions on June 30, 2011.** Ms. Deakins reported the proposal eliminates 64 boards and commissions by June 30, 2010. The intent of the bill is reducing administrative costs, finding more efficient ways to communicate with stakeholders, and provide a period of one year giving agencies time to identify alternatives and strategies for stakeholder input. A new section directs all CPARB and Project Review Committee (PRC) duties to the Department of General Administration (GA).

Ms. Yang asked whether it's appropriate to discuss a budget related solution and costs related to the Board and the PRC. Ms. Deakins reported administrative costs for the Board and PRC are funded at \$242,000 for the current biennium. It covers meeting minutes, refreshments, public noticing, administrative staff time, data collection, web support, and travel. She said she's proposed quarterly Board meetings, bimonthly PRC meetings and other cost cutting suggestions for a savings of \$40,000 to \$50,000.

Mr. Lynch said GA is in the process of evaluating and drafting a fiscal note on how GA will respond to the proposal.

Chair Maruska asked for feedback from members.

Discussion ensued on the cost to GA for supporting the Board and PRC. Mr. Eng asked whether it's possible the Governor might have a different perspective if the costs could be reduced to zero. It's possible that members could fund their respective participation. Ms. Yang suggested a zero budget is optimistic. Frequency of meetings reduces the number of meeting minutes and other staff support. However, there are mandated programs, such as data collection.

Mr. Strong suggested that if agencies are looking at the construction industry to stimulate the economy, now is not the time to eliminate the Board. There are a number of private firms who fund member participation on the CPARB, which should be considered. It's important that the Board's mission is not lost regardless of the outcome.

Mr. Campanella commented that the Board is likely one of a few with representation from a number of stakeholders involved in the construction industry. He asked whether members should be contacting their respective legislators about the impact of construction dollars on the state's economy. Legislators might have a different perspective when presented with those facts.

Discussion followed on strategies to influence the Legislature. Mr. Lynch and Ms. Deakins reported a hearing is scheduled on February 13, 2009 at 8:00 a.m. It might be helpful for Representative Haigh or other legislators benefiting from recommendations from the Board to testify.

Mr. Benson suggested focusing on public benefits provided by the Board and present a case on how fiscally the state's public works processes have been impacted by the CPARB. It would be detrimental if the momentum is halted.

Ms. Yang agreed. Additionally, describing how member participation helps leverage state funding might make a compelling case. The issue is reducing current costs.

Discussion ensued on how the duties and responsibilities could be handled if delegated to GA. Mr. Eng said if functions are transferred to GA, there would be no industry forum. GA personnel will perform Board and PRC functions. It's unlikely modifications to the GC/CM statute would have been successful without the CPARB.

Mr. Absher agreed with comments about the importance of the Board and expressed concerns for delegating responsibilities to GA, which is not best solution. The Board's independence is critical to success.

Mr. Byers said 80% of the costs to support CPARB and the PRC are GA staff costs. If GA staff absorbs the duties without stakeholder participation and the costs are approximately equal, the proposal is counterproductive.

Mr. Lynch said if the bill passes and duties are delegated to GA with possibly less or no funding, the agency will look to the school district review board model. GA would not make decisions in a vacuum but rather replicate some forum, such as the CPARB or the school district review board to discuss issues.

Ms. Deakins said the core Board membership should remain even if GA is managing the functions. The issue is whether members are interested in continuing to meet as a public works forum, chaired by GA, to ensure a balanced review of policy issues in the event the Board is disbanded.

Mr. Ahlers reported a false claims act statute was introduced by Senator Kline that will affect the construction industry. If there are claims that are unsupported in some manner it will result in serious ramifications for contractors and subcontractors. There is a whistle blower provision to ensure the procurement environment is pristine. There is a perception that there's a problem. HB 5144 is a trial lawyers sponsored bill primarily aimed at the health care industry. It's a bad bill. A previous bill similar to the proposal was rejected and defeated.

Mr. Collins pointed out Senator Kline dropped HB 5144 and HB 5224. There were some substantive differences between the two. Ms. Deakins said HB 5144 is moving forward to a hearing on February 13, 2009 at 1:30 p.m. Mr. Eng suggested monitoring the legislation. Perhaps the bill should be vetted by CPARB.

Mr. Ahlers concurred and added he would be interested in feedback from members.

Chair Maruska recessed the meeting from 10:43 a.m. to 11:02 a.m.

#### **Report from Project Review Committee**

Eric Smith, Chair of the PRC, reported the committee considered the following applications at the January 22, 2009 meeting, which were approved:

- Project Application Review for GC/CM – City of Lynnwood – Recreation Center Renovation and Expansion

- Project Application Review for GC/CM – Chelan County Public Hospital District #2 – dba Lake Chelan Community Hospital

Mr. Smith explained that the PRC denied one of the applications at the December meeting. The owner reworked the project team and responded to issues raised by the panel.

- Project Application Review for GC/CM – LOTT Alliance – Budd Inlet Treatment Plant Process Improvements
- Certification Application Review for Design Build (DB) – University of Washington

Mr. Smith reported he received a complaint letter from an attorney representing Northwest Construction Inc. The letter raised issues with the housing authority of Bremerton. Northwest Construction Inc. was a finalist; however, the successful firm assisted the housing authority with developing Request for Proposals (RFP). It was suggested that there were some improprieties regarding that process.

Mr. Kommers reported he and Mr. Lynch met with the housing authority yesterday. Currently, the Association of Washington Housing Authorities (AWHA) doesn't believe 39.10 pertains to the association. He suggested Mr. Smith notify the attorney that the AWHA believes its not reporting to the CPARB. Chair Maruska suggested caution when drafting a response, as the CPARB has requested a legal opinion. Mr. Kommers agreed, but noted AWHA doesn't believe it's covered under 39.10. Mr. Lynch said a legal opinion should be issued within the next 30 days.

Mr. Smith advised that he'll draft a response for review by Chair Maruska.

#### **Review Status of Legislation – Continued**

**Daniel Absher moved, seconded by Larry Byers, to oppose SB 5760 regarding the UW and WSU's public works contracting procedures and any companion bills.**

Mr. Absher reiterated concerns with the proposed legislation. The CPARB did not have an opportunity to discuss the proposal. It's an issue that should have come to the Board for review long ago. The intent of his motion is to oppose the legislation until the Board has an opportunity to review it and perhaps draft a compromise bill. It's the Board's responsibility to act on bills that affect APW procurement in the state.

Mr. Eng said he'll oppose the motion but could support it if it is based on procedural grounds only and not merits.

Discussion ensued on the intent of the motion in light of the concerns shared by Mr. Absher.

Mr. Eng said it's important how the letter to the UW is drafted. Information should be included on the importance of vetting public works bills by the CPARB prior to introducing the bill to the Legislature.

Mr. Kommers reported the Mechanical Contractors Association testified in opposition to the bill at the hearing. Specialty contractors approached him encouraging him to be cautious about opposing legislation perceived to provide projects in construction. He said he'll abstain from voting based on those reasons.

Mr. Johnson referred to previous discussions recognizing that entities have the ability to pursue independent legislation. The CPARB's position of opposing legislation is a dangerous area. It's reasonable to for the letter to convey that the Board cannot support the bill or indicate it is not CPARB supported legislation. All members have constituency groups they represent. The Board should have the chance to review and vet the proposal.

Mr. Absher stated members work together and strive to reach a consensus. He recognized the concern of the Board opposing bills and is willing to re-craft the motion similar to what Mr. Eng suggested; i.e., CPARB cannot support this bill and requests the Board be given the time to review it prior to any action by the Legislature.

Mr. Ahlers said the Board would like the opportunity to discuss the legislation and assist UW in creating a good bill. It's disappointing the CPARB didn't get that chance. He said he'll support a motion indicating the Board would like to have that opportunity. He's unable to support the proposal until that occurs.

Chair Maruska agreed it's difficult to support the bill when the Board has not had time to vet and understand the legislation. He agreed with Mr. Eng and could support a modified motion. He asked whether Mr. Absher could reconsider the motion stating that the Board is unable to support or oppose the bill and recommends the Legislature remand the matter to the CPARB for analysis.

Discussion ensued on potential consequences if the bill doesn't move forward.

Mr. Eng explained that the general rule is that once a public body receives funds regardless of the source, it's deemed public money and subject to the state's public works laws if allocated to a public works project. There could be additional requirements for a federal project, which can be problematic in terms of procurement and reporting.

Ms. Yang advised that she hasn't vetted the compromise she's about to present with the UW. Rather than voting to oppose the bill, she suggested modifying the motion to state that the CPARB urges the UW to consult the Board in the formulation of the Washington Administrative Code (WACs) that will implement the provisions of the RCW. That would give the Board the opportunity to shape the procedures implementing the provisions. Ms. Yang advised that's she unsure whether UW will support the compromise. In the spirit of how members have collaborated in the past, it would be good for the UW and WSU to hear from the Board. The UW is attempting to respond to pressures the organization is facing. The bill is one way to respond to those pressures. The notion of a public institution goes into the university's responsibilities and value of service to the state. She pointed out that spoke to the Board about the stadium issue over a year ago. The UW is not oblivious to its responsibility, position, or size.

Mr. Ahlers commented that the UW is an excellent owner and is not suggesting the university will misuse its authority. The concern involves the process on how statutes are initiated. The Board's process and procedures should be followed. Mr. Absher agreed. The issue concerns what's right for public contracting law and has nothing to do with UW's authority. Providing some tools for any public owner opens it up a slippery slope for other public owners. It creates confusion in the contracting industry if one public entity has different contracting procedures than another, and it is more difficult for contractors to respond to different RFPs.

**Daniel Absher modified his motion stating, *The CPARB neither opposes nor supports the bill and that the Board should send a letter to the appropriate committee asking the Legislature to not act on the bill until such time that the CPARB has an opportunity to review the legislation, and clarify that by statute it's the Board's duty to respond to alternative procurements and provide recommendations, which the Board hasn't had an opportunity to do so.* Larry Byers accepted the modified motion.**

Mr. Smith asked whether the Board should also consider Companion SB 5527 in the motion. He said he hasn't heard that Companion SB 5527 and HB 1641 have been combined with SB 5760 and Companion HB 1916.

Ms. Yang clarified there are two iterations. One pertains to UW and the other pertains to UW and WSU.

Chair Maruska commented that the Board has also not vetted or advised the Legislature about HB 1690, Authorizing alternative public works contracting procedures (changing the powers of CPARB).

Mr. Eng agreed the Board should be consistent in how it handles legislation that has been before the Board for review.

Mr. Johnson advised that there is a list of bills on the introduction sheets scheduled for hearings. The CPARB is not the "be all and end all" for public works or APW. The CPARB is an advisory board. He reiterated concerns about the Board determining which bills should move forward and which ones should not.

Mr. Ahlers said the Board was not aware of UW's proposal until today. He acknowledged Mr. Johnson's concern.

Mr. Absher said his motion is specific to the UW and WSU proposal. The Board should address HB 1690 separately.

In response to a request about which bills the motion is intended to cover, Ms. Yang stated HB 1641, Companion SB 5527, and Companion HB 1916 and SB 5760.

**Motion carried. One member opposed and five members abstained.**

**Rodney Eng moved, seconded by John Ahlers, to send the same letter concerning HB 1690. The bill has not been reviewed by the CPARB and directly affects the Board. Motion carried. One member abstained.**

#### **Task Force Status Reports**

##### ***Fair Competition for WA Contractors & Expand Subcontractor Bid Listing – Dave Johnson***

Mr. Johnson reported he's not asking for the Board's support or opposition for either of the proposed bills. Work will continue on HB 1836 and HB 1837. Task force minutes were provided in today's meeting packet.

Ms. Deakins asked whether the bills that were dropped included the task force's work. Mr. Johnson said yes.

*Mr. Johnson left the meeting.*

***UW Husky Stadium Method Task Force Presentation – Olivia Yang***

Ms. Yang reported a task force was convened to review and evaluate the delivery method used on UW Husky Stadium for application by other public owners. A report is due to the Legislature this month. A slide highlighting characteristics of the stadium delivery model was presented. The owner finds certain aspects of the model helpful.

Mr. Strong shared the architect's perspective.

*Mr. Lynch left the meeting.*

Mr. Benson reported on the general contractor's perspective. He reviewed pros and cons when comparing the Husky Stadium alternate delivery to design bid build (DBB), GC/CM, and design build (DB). There were no differences when compared to 63-20 (public/private partnerships).

Mr. Kommers outlined the subcontractor's point of view.

Conclusions include the following:

- Use completed Husky Stadium project as data for future recommendations
- Streamline existing alternative procurement methods; appoint a task force to look at integrated building delivery approach.

Mr. Ahlers asked whether there was discussion for involving subcontractors early in the process. Mr. Benson said that's the intent.

Discussion ensued on difficulties associated with subcontractors providing design assist to the engineer.

Mr. Strong said there are existing models resembling the alternate delivery model. The only difference is that there is no developer.

Discussion followed on cons when comparing the Husky Stadium delivery with the DBB methodology, specifically that competition is limited and only the most qualified contractors can participate. Mr. Byers commented that he's surprised there's no discussion of differences related to potential legal or risk management costs. Mr. Benson said his company's largest legal expenses are specific to DBB jobs.

Mr. Strong asked whether pros and cons for the architect component will be incorporated into the report. Mr. Benson advised that they will.

Ms. Yang reported she will assemble the final report and could forward it to members for a final review. A follow up task is assembling an IPD task force.

**Rodney Eng moved, seconded by John Ahlers, to accept the task force report and allow the task force to finalize the report based on the presentation and forward the report to the Legislature as requested.**

Mr. Absher asked Ms. Yang to incorporate labor comments into the report. Ms. Yang replied that's she left a message with Ms. Israel Moses.

**Motion carried unanimously.**

Specific to the IPD, members agreed to defer a recommendation to a future meeting.

**Contractors' Concerns about Responsibility Criteria**

Mr. Absher expressed concerns on behalf of contractors for the potential of some owners not using responsibility criteria properly. There appears to be an attempt to use the responsibility criteria to narrow the field to a group of contractors for selection. Responsibility criteria are intended to determine if an owner is responsible. If a contractor can obtain bonding, it demonstrates they are responsible contractors.

Mr. Purdy referred to a project at Harborview Medical Center. Generally, UW's medical center projects do have supplemental bidder responsibility criteria. It's important to have qualified contractors working in an operating hospital. He referred to how a low bidder submitted completion of an interior renovation project of at least \$300,000 in 2002 rather than in 2003 as required. The UW rejected the bid as not responsible. The second low bidder did not have experience in a licensed in-care hospital and the bid was also rejected as not responsive. The owner took the third low bidder and the project cost \$25,000 more than the first low bid. Neither bidder protested. The UW reviewed the criteria with them and explained how it was not met. Ultimately, the project was successful.

Mr. Absher offered a negative example of Fire Station 2 in Seattle stipulating the contractor having to complete three historically significant renovations of buildings over 60 years old to be responsible for the fire station renovation. The station was not a historical building. Criteria can be crafted to ensure only one contractor could possibly be deemed responsible. Generally, a number of contractors could complete a fire station remodel even if they had never completed a historically significant remodel.

Members discussed finalizing the guidelines and educating owners. Mr. Ahlers shared information on a situation occurring at the Port of Seattle where the owner changed the requirements. Owners need to balance accountability and responsibility to ensure competition.

Mr. Eng spoke on the significance of hiring a quality contractor when completing renovations for the fire station in Seattle. The station is not a historical landmark, but it is an important historical building to the City. Balancing the value of retaining a qualified contractor without inhibiting competition was taken into consideration.

Mr. Absher said the fact that a contractor has done more historical renovation makes them more qualified but having done less doesn't mean a contractor is not responsible. There's a big difference between being more qualified and being responsible.

Chair Maruska suggested the Board discuss the issue at a future meeting following the legislative session.

Mr. Kommers added that subcontractors have expressed similar concerns about eligibility requirements.

Chair Maruska reported the Board need to consider cancelling a meeting between now and the end of the biennium because of budget considerations. The Board agreed to cancel the June 2009 meeting.

**Set Next Meeting Agenda – March 12, 2009**

- Standing agenda items including a report from the PRC
- Design build definition for modular
- Legislation update
- IPD task force

**Adjournment**

**Rodney Eng moved, seconded by John Ahlers, to adjourn the meeting at 12:13 p.m. Motion carried.**

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Robert Maruska, CPARB Chair

Prepared by Cheri Lindgren, Recording Secretary  
Puget Sound Meeting Services